



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

14-MD-2543 (JMF)

14-MC-2543 (JMF)

This Document Relates To All Actions
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ORDER NO. 85

JESSE M. FURMAN, United States District Judge:

**[Regarding Pretrial Deadlines for the First Bellwether Trial
and Pleading Deadlines for the Other Early Trial Cases]**

1. On November 16, 2015, the parties jointly moved for the amendment of some upcoming pretrial deadlines for the *Scheuer* bellwether trial and the pleading deadlines for the later Early Trial Cases. (Docket No. 1676). The parties' motion is granted, but with some modifications (underlined below) to ensure that the Court can resolve any and all disputes in a timely fashion given the looming trial date. Accordingly, the following schedule (which should include all deadlines relating to the first bellwether trial, including those set by prior Orders that the parties did not seek to extend, but does not include deadlines relating to the MDL generally) shall apply:

a. **Third Amended *Scheuer* Complaint:** Plaintiff shall file an amended complaint that complies with the Bankruptcy Court's November 9, 2015 Decision no later than **November 17, 2015**. New GM shall file a response no later than **December 14, 2015**.

b. **Expert Discovery:** Plaintiffs submitted their expert rebuttal reports on November 13, 2015. To the extent that New GM wishes to re-depose any of those

experts, such depositions shall be completed no later than **November 24, 2015**. (*See* Endorsement, Docket No. 1567).

c. **Witness Lists:** No later than **November 18, 2015**, the parties shall disclose their respective good faith lists of all witnesses they may potentially call at trial (“Initial Witness List”). The parties will not be permitted to call a witness not included on the Initial Witness List absent extraordinary circumstances. Any witness on the Initial Witness List who has not been deposed in the MDL shall be made available for deposition no later than **December 15, 2015**. No later than **December 11, 2015**, the parties shall disclose their respective good faith lists of witnesses whom they intend to call at trial (“Will Call Witness List”) and their respective good faith lists of additional witnesses whom they may call at trial (“May Call Witness List”).

d. **Trial Exhibit Lists:** In accordance with Order No. 78 (Docket No. 1350), the parties shall submit their trial exhibit lists no later than **November 23, 2015**. The parties by mutual agreement, however, may add or subtract additional trial exhibits at any time thereafter.

e. **Motions *in Limine*:** In accordance with Order No. 78, all motions *in limine* shall be filed no later than **December 4, 2015**.

f. **Daubert Motions:** In accordance with Order No. 78, *Daubert* motions, not to exceed 15 double-spaced pages per brief, must be submitted no later than **December 4, 2015**. Responses, not to exceed 15 double-spaced pages per brief, are due ten (10) days after filing of the respective motions. Replies, not to exceed five double-spaced pages per brief, are due on the earlier of seven (7) days after responsive briefs are filed or

December 21, 2015. The parties are encouraged to file briefs ahead of the respective deadlines.

g. **Dispositive *Scheuer* Motions:** The parties shall file any dispositive motions with regard to the *Scheuer* Complaint no later than **December 4, 2015**.

Responses to any dispositive motions shall be filed no later than **December 14, 2015**.

Any replies shall be filed no later than **December 21, 2015**.

h. **Proposed Jury Instructions and Questionnaire:** The parties shall submit proposed jury instructions and juror questionnaires no later than **December 4, 2015**.

i. **Joint Pretrial Order and Pretrial Memoranda:** The parties shall submit their joint proposed pretrial order and respective pretrial memoranda (consistent with the Court's Individual Rules and Practices for Civil Cases, except as stated herein or in Order No. 78) no later than **December 18, 2015, at noon**.

j. **Deposition Designations:** In accordance with Order No. 78, deposition designations shall be submitted no later than **December 21, 2015**. Counter-designations shall be submitted no later than **January 4, 2016**.

k. **Final Pretrial Conference:** In accordance with Order No. 80 (Docket No. 1380), the Court will hold the Final Pretrial Conference in Courtroom 26A of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on **January, 6, 2016, at 9:00 a.m.**

l. **Jury Selection:** In light of the discussion at the October status conference and the parties' tacit consent, the Court hereby adopts the jury selection procedures set forth in Order No. 80. (*See* Docket No. 1380). Accordingly, jury questionnaires will be completed by prospective jurors on **January 6, 2016**, and the parties will have until

January 8, 2016 at 10:00 a.m. to review the questionnaires and submit a list to the Jury Department of jurors that both sides agree should be excused for cause. The Court will conduct oral *voir dire* of the remaining prospective jurors on **January 11, 2016**, beginning at **9:30 a.m.**

2. Given that January 11, 2016 is a firm trial date, the Court is unlikely to grant any further extensions of the foregoing dates and deadlines absent extraordinary circumstances or confidence that the extension would have no effect on the trial date.

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3. For ease of reference, the following chart summarizes all of the foregoing pretrial deadlines for the first bellwether trial. If any party should later move to amend any of these deadlines, that party shall submit as part of the letter motion requesting the extension a revised version of this chart with the proposed amendments:

Deadline	Submission	Party or Parties
November 17, 2015	Amended Complaint	Lead Counsel
November 18, 2015	Initial Witness Lists	Both Parties
November 23, 2015	Trial Exhibit Lists	Both Parties
November 24, 2015	Deadline to Re-Depose Plaintiffs' Experts	New GM
December 4, 2015	Last day to file Motions <i>In Limine</i>	Both Parties
December 4, 2015	<i>Daubert</i> Motions	Both Parties
December 4, 2015	Dispositive <i>Scheuer</i> Motions	Both Parties
December 4, 2015	Proposed Jury Instructions and Jury Questionnaires	Both Parties
December 11, 2015	Will Call & May Call Lists	Both Parties
December 14, 2015	Response to Amended Complaint	New GM
December 14, 2015	Oppositions to Dispositive <i>Scheuer</i> Motions	Both Parties
December 14, 2015 (or earlier)	Oppositions to <i>Daubert</i> Motions	Both Parties
December 14, 2015 (or earlier)	Oppositions to final Motions <i>in Limine</i>	Both Parties
December 15, 2015	Deadline for Witness Depositions	Both Parties
December 18, 2015, at noon	Joint Proposed Pretrial Order and Pretrial Memoranda	Both Parties
December 21, 2015	Replies to Dispositive <i>Scheuer</i> Motions	Both Parties
December 21, 2015 (or earlier)	Replies to <i>Daubert</i> Motions	Both Parties
December 21, 2015 (or earlier)	Replies to final Motions <i>in Limine</i>	Both Parties
December 21, 2015	Deposition Designations	Both Parties
January 4, 2016	Deposition Counter-Designations	Both Parties
January 6, 2016, at 9 a.m.	Final Pretrial Conference and Beginning of Jury Selection Process	Both Parties

4. With respect to the other Early Trial Cases, the Court adopts the parties' proposed amended deadlines for the filing of amended complaints and responses, to wit:

	Trial #2: <i>Barthelemy/Spain</i>	Trial #3: <i>Cockram (or Yingling (see Docket No. 1663, § 12))</i>	Trial #4: <i>Reid</i>	Trial #5: <i>Yingling (or Cockram (see Docket No. 1663, § 12))</i>	Trial #6: <i>Norville</i>
Amended Complaint	12/14/15	2/3/16	3/26/16	3/26/16	3/26/16
Response	1/14/16	3/3/16	4/26/16	4/26/16	4/26/16
Trial Dates (see Order No. 75, Docket No. 1305)	3/14/16- 4/1/16	5/2/16- 5/20/16	7/25/16- 8/12/16	9/12/16- 9/30/16	11/14/16- 12/2/16

SO ORDERED.

Dated: November 17, 2015
New York, New York


JESSE M. FURMAN
United States District Judge